

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Somasila project – Chukkayapalli Village, S.T. Colony, Nandalur Mandal, Y.S.R.Kadapa District – Payment of Exgratia to 20 petitioners only for the structures/house sites – Permission to the Special Collector(LA), GNSS, Kadapa for payment of ex-gratia for the structures/house sites to 20 petitioners only as per the orders of Hon'ble High Court, Andhra Pradesh, Hyderabad, dated:22.08.2014 in CC.No.687/2014 in W.P.No.21919/2012 – Modification orders to G.O.Rt.No.221, I&CAD(PW-LA.II) Dept., dt:14.05.2014 - Issued.

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IRRIGATION & CAD (LA) DEPARTMENT

G.O.MS.No. 68

Dated:27.11.2014

Read the following:-

1. From the Hon'ble High Court of Andhra Pradesh, Hyderabad Order dated.15.11.2012 in W.P.No.21919 of 2012.
2. From the Special Collector (LA), GNSS, Kadapa, Lr.No.A1/233/2012, dated: 08.06.2013.
3. From the Chief Engineer, NTR Telugu Ganga Project, Srikalahasti. Lr.No.CE/TGS/SKHT/TS/T7/102- SP/ Vol2/10c/, dt:26.08.2013.
4. From the Chief Engineer, NTR Telugu Ganga Project, Srikalahasti. Lr.No.CE/NTRTGP/SKHT/TS/camp/10-2013/26 CQ,dt: 05.10.2013.
5. From the Special Collector (LA), GNSS, Kadapa, Lr.No.A1/233/2012, dated: 04.02.2014.
6. G.O.Rt.No.221, I&CAD(PW-LA.II) Dept., dt:14.05.2014.
7. Proceedings of the Special Deputy Collector, SSP, Unit-IV, Rajampet, Kadapa District,Proc.No.B/29/2014, dt:25.06.2014.
- 8.Orders of Hon'ble High Court, A.P.,Hyderabad, dated:22.08.2014 in CC.No.687/2014 in W.P.No.21919/2012.
9. From the Special Collector (LA), GNSS, Kadapa, Lr.No.A1/233/2012, dated: 20.09.2014 addressd to the Advocate General, Andhra Pradesh, Hyderabad.
- 10.From the Advocate General, High Court of A.P.,Hyderabad, Lr.No.184/2014, dt:24.09.2014.
- 11.From the Special Collector (LA), GNSS, Kadapa, Lr.No.A1/233/2012, dated: 29.09.2014.

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**ORDER:-**

In the reference 1<sup>st</sup> read above, the Hon'ble High Court in its order, dated:15.11.2012 in W.P.No.21919/2012 filed by the Sri Chukka Penchalaiah S/o Sri Lakshmaiah and (35) others, directed Government to complete the process of determination of Exgratia/Compensation after thorough verification of claims of the petitioners and pay the appropriate exgratia / compensation to them within a period of three months from the date of receipt of the court order.

2. Accordingly, under the circumstances reported by the Chief Engineer,NTR Telugu Ganga Project, Srikalahasti in the references 3<sup>rd</sup> and 4<sup>th</sup> read above and also by the Special Collector(LA), GNSS, Kadapa in the references 2<sup>nd</sup> and 5<sup>th</sup> read above, Government after careful examination of the matter, accorded permission in the reference 6<sup>th</sup> read above, to the Special Collector (LA), GNSS, Kadapa to initiate process for acquisition of structures and assigned house sites land belonging to the petitioners (36 families) covered in W.P.No.21919/2012 pertaining to S.T.Colony, Chukkayapalli village, Nandalur Mandal, Y.S.R. Kadapa District, in terms of orders issued in G.O.Ms.No.1307, Revenue (Assignment.I) Department, dt:23.12. 1993 and pay exgratia to the petitioners before 13.06.2014 ( i.e., the date fixed before the Hon'ble High Court for hearing the Contempt Case.No.687/2014 in W.P.No.21919/ 2012).

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3. In pursuance of the orders issued to the reference 6<sup>th</sup> read above the Special Deputy Collector, SSP, Unit-IV, Rajampet, Kadapa District vide Proceedings in the reference 7<sup>th</sup> read above determined the payment of compensation for the structures claimed by the 36 petitioners of W.P.No.21919/2012 as - **NIL** - as the payment for structures claimed by the above petitioners are unauthorized, irregular and illegal.

4 Further, the Hon'ble High Court in its orders in the reference 8<sup>th</sup> read above has ordered as follows:-

“Heard learned Counsel for the petitioners and the learned Govt. Pleader for Revenue for the State of Andhra Pradesh”.

“At the hearing, it is represented by the learned Govt. Pleader that 16 out of 36 petitioners were paid compensation for the houses at Venkatrajugaripeta in the year 1998 and that subsequently, they appeared to have constructed houses at the present place knowing well that the sites over which the houses are constructed fall within the FRL area”.

“In the light of the above, this court has suggested to the learned Govt. Pleader to advise the respondents to pay compensation for the remaining 20 petitioners leaving the other 16 petitioners with liberty to question the order passed by the respondents”.

5. In pursuance of above orders of High Court, the Special Collector (LA), GNSS, Kadapa in the reference 9<sup>th</sup> read above, has informed the Advocate General that payment of exgratia to the structures existing on Govt. Poramboke is covered by G.O.Ms.No.192, I&CAD(P.R.TGP-II (2) Dept., dt:02.12.1998. The first and foremost provision in the G.O. says as follows:-

Payment of compensation in respect of structures constructed on Poramboke lands belonging to landless poor persons which are existing on ground for more than Ten (10) years should be treated as eligible for payment of exgratia on lines of G.O.Ms.1307, Rev (Assnt-I) Dept., dt:23.12.1993. The occupants /encroachers, otherwise eligible landless poor persons shall be regularized by issuing 'D' Form pattas so as to make payment of exgratia under the G.O. referred to above to eligible encroachers”.

Therefore, determination of compensation/exgratia has not been paid to the petitioners as they have not produced genuine DKT house site pattas issued by the Tahsildar, Nandalur in terms of G.O.Ms.No.192, I&CAD(P.R..T.G.P-II (2), Dept., dt:02.12.1998. In the instant case, payment of compensation to the 20 petitioners is only possible if the competent authorities of Revenue Dept., issue House Site pattas to the petitioners by following the provisions of G.O.Ms.No.192, I&CAD(P.R..T.G.P-II (2), Dept., dt:02.12.1998. **(OR)** If the Govt. of A.P., to relax orders/provisions of G.O.Ms.No.192, I&CAD(P.R..T.G.P-II (2), Dept., dt:02.12.1998. With the above position, the Special Collector,(LA), GNSS, Kadapa has requested the Advocate General, A.P., Hyderabad to render his advice on the above issue to take further action as per Hon'ble High Court orders in the 8<sup>th</sup> read above.

6. In the reference 10<sup>th</sup> read above, the Advocate General, A.P., Hyderabad has stated that the Hon'ble High Court Andhra Pradesh, Hyderabad has already expressed its opinion per its Order dt:22.08.2014 and the said Order reads thus:-

In the light of the above, this Court has suggested to the learned Government Pleader to advise the respondents to pay compensation for the remaining 20 petitioners leaving the other 16 petitioners with liberty to question the order passed by the respondents.

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Since there is material on record to show that the contempt Petitioners were in possession of the Government Poramboke land and since as per the policy in G.O.MS.No.1307, Rev.(Assignment –I) Dept., dt:23.12.1993 encroachers are eligible for exgratia payment and having regard to the fact that even the Judgment of the Hon'ble High Court in Mekala Pandu, which has been upheld by the Hon'ble Supreme Court, he was of the view that the Government can pass an order of exemption by not treating the exemption as a precedent to the petitioners in the contempt case. The Advocate General has therefore suggested the Spl. Collector (LA), GNSS, Kadapa to approach the Government and seek appropriate exemption without treating the same as a precedent as the Hon'ble Court is of the view that the same would be meeting the ends of justice.

7. On the above advise of the Advocate General, A.P., Hyderabad, the Special Collector,(LA), GNSS, Kadapa in the reference 11<sup>th</sup> read above has requested the Government to issue orders relaxing the provisions contained in G.O.Ms.No.192, I&CAD(PR-TGP.II (2) Dept., dt:02.12.1998 without taking the same as a precedent case as the Hon'ble High Court of A.P., is of the view that the same would be meeting the ends of Justice in respect of payment of ex-gratia for the structures of 20 petitioners in Chukkayapally St. Colony, Nandalur Mandal, Kadapa District.

8 In pursuance of the Hon'ble High Court orders in the reference 8<sup>th</sup> read above, Government have examined the request of the Special Collector (LA) G.N.S.S., Kadapa in the reference 11<sup>th</sup> read above basing on the advice of the learned Advocate General, High Court of Andhra Pradesh, Hyderabad in the reference 10<sup>th</sup> read above. Accordingly in partial modification of the orders issued in the reference 6<sup>th</sup> read above, Government hereby instruct the Special Collector (LA) G.N.S.S., Kadapa to take necessary action for payment of ex-gratia for the structures/house sites situated at Chukkayapalli village, S.T.Colony, Nandalur Mandal Kadapa District **to the 20 (Twenty) petitioners only** covered in W.P.No.21919/2012 out of 36 petitioners, in terms of orders issued in G.O.Ms.No.1307, Revenue (Assn.I) Dept., dt.23.12.1993, as the remaining 16 petitioners in W.P.No.21919/2012 have already been paid compensation as indicated names of the petitioners in the Proceedings of the Spl. Deputy Collector (LA) SSP, Unit-IV, Rajampet, Kadapa in the reference 7<sup>th</sup> read above. This order shall be treated as a special case issues on the orders of High Court in Contempt Case.No.687/2014 in W.P.No.21919/ 2012 and it should not be taken as precedent case and not be applicable in similar other present and future cases.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Collector, (LA), GNSS, Kadapa.

The Chief Engineer,NTR Telugu Ganga Project,Srikalahasti, Chittoor District.

**Copy to:-**

The District Collector, Y.S.R Kadapa District.

The Special Deputy Collector,Somasila Project,Unit-IV,

Rajampet, Y.S.R.District, Kadapa.

The Office of the Advocate General, Andhra Pradesh, Hyderabad with reference to Contempt Case.No.687/2014 in W.P.No.21919/ 2012

The Executive Engineer, S.P.Division.No.II, Nellore.

The Government Pleader, for I&CAD, High Court of Andhra Pradesh, Hyderabad with reference to Contempt Case.No.687/2014 in W.P.No.21919/ 2012

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SECTION OFFICER